

REMARKS

Claims 1-20 are pending in the application. Claims 1-20 stand rejected.

The Examiner has requested that Applicant offer to surrender the original patent. Applicant will surrender the original patent when the Examiner has indicated that the application, including all pending claims, is in a condition for allowance.

In paragraph 3 of the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. 251 as being broadened in a reissue application filed outside the two-year statutory period. Applicant respectfully traverses these rejections.

The filing date is erroneously stated on the Filing Receipt as December 18, 2001. The correct filing date is December 7, 2001, as evidenced by a) a copy of the Reissue Patent Application Transmittal with the signed and dated Certificate of Mailing, which contains a proper certification under 37 CFR 1.10, and b) a copy of the Express Mail mailing label as processed by the United States Postal Service indicating that the Applicant's representative deposited the package containing the application with the United States Postal Service on December 7, 2001. True copies of each of these documents marked, respectively, Exhibit A and Exhibit B are enclosed. Also enclosed as Exhibit C is a copy of the Request for Corrected Filing Receipt submitted by Applicant on October 3, 2002, in response to which Applicant has not yet received a Corrected Filing Receipt. Applicant has filed a second Request for Corrected Filing Receipt via facsimile, with exhibits, a copy of which is enclosed as Exhibit D.

Since the filing date of the present application is within the two-year statutory window for a broadening reissue, Applicant respectfully requests that the Examiner withdraw his rejections of claims 1-20 under 35 U.S.C. 251. Applicant submits that this application, including all pending claims, is now in condition for allowance. Reconsideration and allowance of this application is hereby solicited.

Respectfully submitted,

GUY G. RIDDLE

Dated: July 29, 2003

By: 
Kirk A. Gottlieb, Reg. No. 42,596
Attorney for Applicant
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2414
Fax: (415) 281-1350